

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

WILLIAM ALLAN WINKEL
AND
ROBIN HOPE WINKEL

Debtors

Chapter 13

Case No. 04-10437-RGM

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Gerald M. O'Donnell, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Violation of 11 U.S.C. 1307(c)(6) - Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

William Allan Winkel and Robin Hope Winkel, Case #04-10437-RGM

Attend the hearing to be held on September 28, 2005 at 9:30 a.m., in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Gerald M. O'Donnell
211 North Union Street, Ste. 240
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: August 5, 2005

/s/ Gerald M. O'Donnell
Gerald M. O'Donnell
Chapter 13 Trustee
211 N. Union Street, Ste. 240
Alexandria, VA 22314
(703) 836-2226
VSB 7930

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of August, 2005, mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

William Allan Winkel
Robin Hope Winkel
Chapter 13 Debtors
4414 Razor Hill Rd
Bealeton, VA 22712-7224

Ann M. Callaway
Attorney for Debtors
Attorney At Law
15 Garrett St.
Warrenton, VA 20186

/s/ Gerald M. O'Donnell
Gerald M. O'Donnell

Gerald M. O'Donnell, Standing Chapter 13 Trustee
INTERIM STATEMENT AS OF 08/05/2005

CASE NO: 04-10437-RGM

STATUS: BASE PLAN

DEBTOR: XXX-XX-9728

WINKEL, WILLIAM ALLAN

JOINT DEBTOR: XXX-XX-3354

WINKEL, ROBIN HOPE

AKA:

SCHEDULE: 1,834.00 MONTHLY

TOTAL PAID: 26,293.00

DATE FILED: 02/03/2004

4414 RAZOR HILL RD

4414 RAZON HILL RD

CONFIRMED: 06/29/2004

BEALETON, VA 22712-7224

BEALETON, VA 22712-7224

LATEST 341: 03/16/2004

PERCENTAGE: 77.460

ATTORNEY: ANN M. CALLAWAY

PLAN: 60 MONTHS

ATTORNEY AT LAW

15 GARRETT ST.

1st PAYMENT DUE: 03/2004

WARRENTON, VA 20186

ON SCHEDULE: 31,178.00

Phone:540 349-4100 Fax: -

ACTUAL PAYMENTS: 26,293.00

Needed to Complete Base:

AMOUNT BEHIND: 4,885.00

BASE: 110,040.00

83,747.00

LAST 12 TRANSACTIONS

Date	Source	Amount
05/23/05	PC	1,834.00
05/23/05	PC	1,834.00
05/23/05	PC	1,834.00
04/13/05	PC	1,834.00
01/11/05	PC	1,834.00
12/13/04	PC	1,834.00
11/15/04	PC	1,834.00
10/07/04	PC	1,835.00
09/08/04	PC	1,834.00
08/09/04	PC	1,834.00
07/06/04	PC	1,834.00
06/04/04	PC	1,834.00
05/11/04	PC	1,234.00
04/05/04	PC	1,525.00

DIRECT PAY AND NOT FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME	DISB CODE	CLASS	ARREARS	FIXED PAYMENT	SCHED AMOUNT	PAID BY TRUSTEE	BALANCE DUE	CLAIM STATUS
001	301961	AMERICAN GENERAL FINANCE	PRO	UNS	0.00	0.00	2,684.02	0.00	0.00	NOT FILED
006	299285	SUNTRUST MORTGAGE INC.	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT
007	302608	WACHOVIA BANK,	PRO	SEC	168.81	0.00	0.00	0.00	0.00	DIRECT
010	304189	JAMES A. WEST, P.C.	PRO	UNS	0.00	0.00	0.00	0.00	0.00	NOT FILED
011	304190	UNITED RECOVERY SYSTEMS, INC	PRO	UNS	0.00	0.00	0.00	0.00	0.00	NOT FILED
015	297000	CHADWICKS	PRO	UNS	0.00	0.00	100.38	0.00	0.00	NOT FILED
020	300270	JC PENNEY/ MBGA	PRO	UNS	0.00	0.00	1,133.66	0.00	0.00	NOT FILED
022	300308	LOWES	PRO	UNS	0.00	0.00	0.00	0.00	0.00	NOT FILED
024	278171	MBNA	PRO	UNS	0.00	0.00	12,586.19	0.00	0.00	NOT FILED
025	304194	OLD NAVY	PRO	UNS	0.00	0.00	379.22	0.00	0.00	NOT FILED
027	304196	THE VANGUARD GROUP	PRO	UNS	0.00	0.00	3,566.24	0.00	0.00	NOT FILED
030	IRS	INTERNAL REVENUE SERVICE	PRO	PRI	0.00	0.00	0.00	0.00	0.00	DIRECT

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE	CLASS PAY%	LAST DISB INT. RATE	FIX PAY ARREARS	ORG. CLAIM INT. BEGIN	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
002	272439	ECAST SETTLEMENT CORP SCHED D AMENDED - DELETED SECUR	PRO	UNS 77.4600	06/2005	0.00 0.00	2,039.93	2,039.93 1,580.13	469.89 0.00	1,110.24 0.00
003	302128	DELL FINANCIAL	PRO	SEC 100.0000	07/2004	0.00 0.00	524.85	100.00 100.00	100.00 0.00	0.00 0.00
003	302128	DELL FINANCIAL Split Claim	PRO	UNS 77.4600	06/2005	0.00 0.00		424.85 329.09	105.49 0.00	223.60 0.00
004	305245	BRANCH BANKING & TRUST CO Split Claim	PRO	UNS 77.4600	06/2005	0.00 0.00	5,348.71	5,348.71 4,143.11	1,232.05 0.00	2,911.06 0.00
004	274688	BRANCH BANK & TRUST COMPANY PER 11/5/04 ORDER ALLOW LATE CLM	FIX	SEC 100.0000	06/2005 7.0000	357.41 357.41	18,050.00 11/05/2004	18,050.00 18,050.00	5,030.24 688.32	13,019.76 151.90
005	283442	STERLING INC DBA SHAW JEWELERS	FIX	SEC 100.0000	06/2005 7.0000	19.80 19.80	2,293.16 06/29/2004	1,000.00 1,000.00	250.95 65.85	749.05 8.74
005	283442	STERLING INC DBA SHAW JEWELERS Split Claim	PRO	UNS 77.4600	06/2005	0.00 0.00		1,293.16 1,001.68	307.27 0.00	694.41 0.00
008	ECAST	ECAST SETTLEMENT CORP. ADVANTA BANK CORP	PRO	UNS 77.4600	06/2005	0.00 0.00	9,138.30	9,138.30 7,078.53	2,104.97 0.00	4,973.56 0.00
009	AMEXPT	AMERICAN EXPRESS TRAVEL REL SVC	PRO	UNS 77.4600	06/2005	0.00 0.00	7,363.71	7,363.71 5,703.93	1,696.20 0.00	4,007.73 0.00
012	296355	BANK OF AMERICA, N.A. (USA)	PRO	UNS 77.4600	06/2005	0.00 0.00	1,320.19	1,320.19 1,022.62	313.68 0.00	708.94 0.00
013	290679	BENEFICAL VIRGINIA, INC.	PRO	UNS 77.4600	06/2005	0.00 0.00	6,983.54	6,983.54 5,409.45	1,608.63 0.00	3,800.82 0.00

** Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

ToolBar 7.0

Gerald M. O'Donnell, Standing Chapter 13 Trustee
INTERIM STATEMENT AS OF 08/05/2005

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WINKEL, WILLIAM ALLAN

JOINT DEBTOR: XXX-XX-3354
WINKEL, ROBIN HOPE

SCHEDULE: 1,834.00 MONTHLY

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE	CLASS PAY%	LAST DISB INT. RATE	FIX PAY ARREARS	ORG. CLAIM INT. BEGIN	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
014	RESURG	RESURGENT ACQUISITION BP	PRO	UNS 77.4600	06/2005	0.00 0.00	1,003.85	1,003.85 777.58	231.23 0.00	546.35 0.00
016	RESURG	RESURGENT ACQUISITION CITICARD	PRO	UNS 77.4600	06/2005	0.00 0.00	5,182.36	5,182.36 4,014.26	1,193.74 0.00	2,820.52 0.00
017	RESURG	RESURGENT ACQUISITION CITIFINANCIAL	PRO	UNS 77.4600	06/2005	0.00 0.00	3,256.79	3,256.79 2,522.71	750.19 0.00	1,772.52 0.00
018	ECAST	ECAST SETTLEMENT CORP. DIRECT MERCHANTS CREDIT	PRO	UNS 77.4600	06/2005	0.00 0.00	11,915.72	11,915.72 9,229.92	2,744.74 0.00	6,485.18 0.00
019	247926	GTE FEDERAL CREDIT UNION	PRO	UNS 77.4600	06/2005	0.00 0.00	1,097.54	1,097.54 850.15	260.79 0.00	589.36 0.00
021	306388	KOHL'S DEPARTMENT STORE	PRO	UNS 77.4600	06/2005	0.00 0.00	1,943.40	1,943.40 1,505.36	447.66 0.00	1,057.70 0.00
023	ECAST	ECAST SETTLEMENT CORP. MBNA	PRO	UNS 77.4600	06/2005	0.00 0.00	14,788.90	14,788.90 11,455.48	3,406.57 0.00	8,048.91 0.00
026	248045	SUN COMPANY INC (R&M) SUNOCO	PRO	UNS 77.4600	06/2005	0.00 0.00	793.91	793.91 614.96	182.87 0.00	432.09 0.00
028	262130	WELLS FARGO	PRO	UNS 77.4600	06/2005	0.00 0.00	1,014.40	1,014.40 785.75	233.66 0.00	552.09 0.00
029	262130	WELLS FARGO	PRO	UNS 77.4600	06/2005	0.00 0.00	868.33	868.33 672.61	200.02 0.00	472.59 0.00
031	ECAST	ECAST SETTLEMENT CORP. CITIBANK-ALLOW & PAY PER RVW	PRO	UNS 77.4600	06/2005	0.00 0.00	802.76	802.76 621.82	184.91 0.00	436.91 0.00
799	CALLAW	ANN M. CALLAWAY	PRO	ATY 100.0000	07/2004	0.00 0.00	1,102.50	1,102.50 1,102.50	1,102.50 0.00	0.00 0.00
Trustee Administrative Fees								1,370.55	1,370.55	
TOTALS:						377.21 377.21	96,832.85	98,203.40 80,942.19	25,528.80 754.17	55,413.39 160.64

	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER		
CLAIM AMOUNT:	0.00	1,102.50	0.00	19,150.00	59,319.14	0.00		
PAID BY TRUSTEE:	0.00	1,102.50	0.00	5,381.19	17,674.56	0.00		
SUB TOTAL:	0.00	0.00	0.00	13,768.81	41,644.58	0.00	DUE CREDITORS:	55,574.03
INTEREST DUE:	0.00	0.00	0.00	160.64	0.00	0.00	EXPECTED ADMIN:	3,296.74
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	10.03
BALANCE DUE:	0.00	0.00	0.00	13,929.45	41,644.58	0.00	APPROX BALANCE:	58,860.74

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